



ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

5060 North 19th Avenue, Suite 209
Phoenix, Arizona 85015
(602) 589-8352
FAX: (602) 589-8354

Regular Session Minutes

December 14, 2007

Board Members Present: Kathryn Babits, OTR Chairperson
Geri DeWaard, OTR Vice-Chairperson
Rebecca Grabski, OTA Member
John Tutelman, Public Representative

Board Members Absent: Deborah Devine, Public Representative

Staff Present: Linda A. Wells, Executive Director
Vicki Egurrola, Administrative Assistant

Legal Staff Present: Elizabeth Campbell, Assistant Attorney General

Call to Order

The regularly scheduled meeting of the Arizona State Board of Occupational Therapy Examiners was called to order at 1:30 p.m., Chairperson Kathryn Babits, OTR presiding.

Approval of Minutes

Regular Session Minutes of November 9, 2007

Ms. Grabski moved to approve the November 9, 2007 regular session meeting minutes with an amendment to add a sentence on page 6 regarding a statement she made on the record related to the Board's discussion regarding the renewal application of Darla K. Goodman, OTR. Mr. Tutelman seconded. The motion passed 4-0.

Open Complaint Investigations

07-125-C KAREN M. WATERS, OTR

At a previous meeting, the Board tabled the complaint filed against Karen M. Waters, OTR, and moved to hold an informal meeting with her pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.

The complainant alleges inadequate record keeping, i.e. A billing audit was performed on February 1, 2007. During the time period between November 1, 2006 through January 29, 2007 discrepancies were found in client charts that indicate missing documentation that support services rendered.

Ms. Waters was present at the December meeting for the informal meeting. Ms. Waters discussed her employment duties during the timeframe she worked for Physiotherapy Associates, and the circumstances surrounding the billing audit performed.

Following discussion, Ms. Grabski moved to table the complaint for further investigation, and to hold a second informal meeting with Ms. Waters. Ms. DeWaard seconded. The motion passed 4-0.

The Board requested a letter be sent to Jeff Owen and Scott MacDonald, PT Internal Auditor at Physiotherapy Associates inviting them to the informal meeting, and to request any further documentation regarding the complaint.

07-126-C MARY JO TODD, OTR

At a previous meeting, the Board tabled the complaint filed against Mary Jo Todd, OTR, and moved to hold an Informal Interview with her pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.9(h) and A.A.C. R4-43-101.5, 9(e).

The complainant alleges that Ms. Todd refused to perform an evaluation on her son, and failed to put the refusal in writing.

The Board is in receipt of a letter from Attorney, Bruce D. Crawford informing the Board that he will be representing Ms. Todd in the case filed against her.

The complaint is tabled pending the Informal Interview that will be held at a later date.

07-128-C PAMELA J. LIZOTTE, OTA

At a previous meeting, the Board tabled the complaint filed against Pamela J. Lizotte, OTA following an informal meeting with her. The complaint was initiated by R.S. of Aureus Medical Operations. The Board requested that Ms. Lizotte provide them with copies of her last three issued CPR cards.

The complainant alleges that Ms. Lizotte altered the dates on her CPR card, and presented it as evidence of a valid and current document.

The Board is in receipt of copies of Ms. Lizotte's 2004-2006 CPR card, and her 2007-2009 CPR card.

Following discussion, Mr. Tutelman moved to table the complaint and hold an Informal Interview with Ms. Lizotte at a future date. Ms. Grabski seconded. The motion passed 4-0. Ms. DeWaard moved to include the possible statute violations, A.R.S. §32-3401.9(f),(i),(l), and A.A.C. R4-43-101.5(i)(m). Mr. Tutelman seconded. The motion passed 4-0.

07-129-C BERNADETTE S. HARKINS, OTR

At a previous meeting, the Board tabled the complaint filed against Bernadette S. Harkins, OTR for further investigation and requested a subpoena be issued to Scottsdale Healthcare for any and all documents concerning Ms. Harkins ability to maintain client treatment records/reports in a timely manner.

Ms. DeWaard recused herself from discussion of the complaint due to her working relationship with Ms. Harkins.

The complainant alleges that Ms. Harkins failed to document or maintain client treatment records, or failed to prepare client reports within 30 days of service or treatment.

The Board is in receipt of the subpoenaed client records from Scottsdale Healthcare.

Following discussion, Ms. Grabski moved to table the complaint for further investigation, and to hold an Informal meeting with Ms. Harkins pursuant to A.R.S. §32-3442(c) based on a possible violation of A.R.S. §32-3401. Mr. Tutelman seconded. The motion passed 4-0.

07-130-C LILIAS HANDWERK, OTR

At a previous meeting, the Board tabled the complaint filed against Lili Handwerk, OTR for further investigation, and to hold an informal meeting with her pursuant to A.R.S. §32-3442(C) based on a possible violation of A.R.S. §32-3401.

The complainant alleges inadequate record keeping, i.e. a billing audit was performed by RehabCare Group, Inc. During the time period between February 1, 2006 through January 15, 2007, discrepancies were found in client charts that indicate missing documentation that support services rendered.

Ms. Handwerk was present for the informal meeting, and was accompanied by her supervisor, David Crosslin.

Following the interview, Ms. DeWaard moved to dismiss the complaint finding no apparent violation of the Arizona Revised Statutes governing the practice of occupational therapy. Mr. Tutelman seconded. The motion passed 4-0.

07-124-B DARLA K. GOODMAN, OTR

At a previous meeting, the Board initiated a complaint against Darla K. Goodman, OTR following notice from Ms. Goodman that her license expired, and that she had been practicing occupational therapy for three days without a current license. The Board discussed offering Ms. Goodman a Consent Agreement based on a possible violation of A.R.S. §32-3441(C) which states that it is unlawful for any person who is not licensed as an occupational therapist to practice or assist in the practice of occupational therapy.

The Board is in receipt of a signed Consent Agreement from Ms. Goodman along with documentation that provides proof to the Board that she has notified all clients treated as well as insurance companies involved, that she was not licensed to practice from October 22, 2007 to October 29, 2007.

Probationary Status Reports

Shawn A. Keams, OTA

Shawn A. Keams, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with a signed Consent Agreement.

The Board is in receipt of the November, 2007 report from Mr. Keams' probation officer. The probation officer informed the Board that Mr. Keams successfully completed everything ordered by the courts, and his supervised probation. She also informed the Board that no further monthly reports will be sent from the McKinley County Misdemeanor Compliance Program.

The Board is also in receipt of correspondence from Mr. Keams regarding his attendance at AA meetings.

The Board found that Mr. Keams is in compliance with his reporting for the month of November, 2007.

Complaint No. 07-119-C Esther M. Medley, OTA

Esther M. Medley, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with the Decree of Censure and Probation.

Ms. Medley is in compliance with the term of seeking pre-approval of the ethics course, but has not provided proof of attendance. It was reported that Ms. Medley has on or before the termination of probation to complete the course.

Complaint No. 06-116-C Jenny Marcelee Padilla, OTA

Jenny M. Padilla, OTA is currently on probation for a violation of the Arizona Revised Statutes governing the practice of occupational therapy. Terms and conditions of probation are monitored monthly for compliance with the Decree of Censure and Order.

It was reported that Ms. Padilla has on or before the termination of probation to complete the requirement for completing three continuing education credits on substance abuse.

Substantive Review, Discussion, and Vote Re: The Applications For Licenses As Follows:

a. Initial Applications

Mr. Tutelman moved to approve all of the applicants listed on the December 2007 initial application for licensure list. Ms. Grabski seconded. The motion passed 4-0

b. Renewal of Licenses

Ms. DeWaard moved to approve all of the applicants listed on the December 2007 renewal licensure list. Ms. Grabski seconded. The motion passed 4-0

c. Limited Permits

i. Cody J. DeGuzman

The Board discussed the application of Mr. DeGuzman. Following discussion the Board moved to approve the OTA license of Mr. DeGuzman.

Assistant Attorney General Beth Campbell explained to the Board that because of Mr. DeGuzman practicing on an expired limited permit, and also statements made to Board staff, they may want to open a complaint against Mr. DeGuzman and place it on a future agenda to be discussed.

The Board moved to open a complaint against Mr. DeGuzman and to discuss this matter at its January Board meeting.

Executive Director's Report

a. Revenue and Expenditure Report

The Board reviewed the October, 2007 Revenue and Expenditure Report

Other Board Business and Reports

a. Proposed Rule Making/Legislation

The Board discussed proposed amendments to the statutes and rules with the rule writer, Ms. Jeri Auther. The Board will introduce a bill in the next legislative session beginning in January, 2008. The bill is summarized as follows:

1. Revise the definition of an occupational therapist and an occupational therapy assistant
2. Revise the language to conform to current statute format and style requirements. Improve the statute clarity, conciseness, and understandability
3. Detail more of the job duties of the executive director
4. Require an applicant or licensee be of good moral character. In determining whether a person is of good moral character, the Board may consider whether that individual has been convicted of a felony or misdemeanor involving moral turpitude.
5. Clarified unprofessional conduct

b. Draft initial licensure application

The Board reviewed the draft initial licensure application form, and discussed changes that will reflect current requirements.

Review Meeting Schedule

The Board made no changes to the meeting schedule.

Personnel Matters

Ms. Grabski moved to enter executive session at 4:25 p.m. for the purpose of discussing personnel salaries. Mr. Tutelman seconded. The motion passed 4-0.

The Board left executive session and entered regular session at 4:40 p.m.

The Board tabled approval of a salary adjustment for the executive director until further information is obtained from Ms. Wells regarding current salary schedules for 90/10 agency executive directors.

Ms. DeWaard moved to approve a one-time bonus of \$1,000.00 for the executive director, and a one-time bonus of \$500.00 for the administrative assistant. Mr. Tutelman seconded. The motion passed 4-0.

Adjournment

There being no further business before the Board, the meeting was adjourned at 4:42 p.m.

Respectfully submitted,

Linda A. Wells
Executive Director